



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

DIVISION OF HEALTH CARE FINANCE AND POLICY

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Administrative Bulletin 03-18

Nursing Facility User Fee: Hospice Days

The purpose of this administrative bulletin is to clarify that non-Medicare nursing facility patient days for residents receiving hospice services are subject to the user fee. The DHCFP is aware that there has been some confusion regarding the user fee liability for these patient days, because in some circumstances the nursing facility "Room and Board" may be paid by a different source than other medical services for the same resident. Pursuant to 114.5 CMR 12.00, nursing facilities must pay the user fee on all non-Medicare patient days. The determination of whether a nursing facility patient day for an individual receiving hospice services is considered a non-Medicare patient day is based on the payer of "Room and Board."

- If MassHealth or any other non-Medicare payer pays the nursing facility **directly** for "Room and Board" for a given patient day, then it is considered a non-Medicare patient day subject to the user fee.
- If MassHealth or any other non-Medicare payer pays the nursing facility **indirectly through a "Room and Board" payment to the hospice provider** for a given day, it is still considered a non-Medicare patient day subject to the user fee.
- There is no distinction made for so-called "General Inpatient Days" of care provided in nursing facilities. Nursing facilities must pay the user fee for all non-Medicare "General Inpatient Days" as defined in 114.3 CMR 43.02: Hospice Services.

If a nursing facility has not correctly paid the user fee for any reason for any prior liability period, they should file a corrected payment(s) to the Division by the January 2, 2004 deadline for the "Special Payment" pursuant to 114.5 CMR 12.04(4).